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November 15, 2022

**VIA ECF**

The Honorable Mary Kay Vyskocil, U.S.D.J.  
United States District Court  
Southern District of New York  
500 Pearl St. New York, NY 10007-1312

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Re: *Vicinanza et al v. Horizon Window Treatments, Inc. et al*  
**Case No.: 1:22-cv-00657-MKV**

Dear Honorable Judge Vyskocil:

This law firm represents Defendants Horizon Window Treatments, Inc. and Eric Abikzer (together, the “Defendants”) in the above-referenced matter.

Pursuant to Your Honor’s Individual Practice Rules 2(B) and 2(G), this letter respectfully serves as a request to extend the deposition / global fact discovery completion deadline from November 17, 2022 to, through and including, December 9, 2022.

The undersigned counsel has conferred with counsel for Plaintiffs Vincent Vicinanza and Luis Morales (together, the “Plaintiffs”), who consents to the instant request. This application is for one last and final application, and is not made lightly.

This is the third<sup>1</sup> request of its nature. If granted, this request would necessitate an adjournment of the post-discovery conference scheduled for November 29, 2022 at 3:00 p.m. to a date and time after December 9, 2022.

As set forth more fully below, good cause exists to extend the deposition / global fact discovery completion deadline pursuant to Federal Rule of Civil Procedure (“Fed.R.Civ.P.”) 6(b)(1)(A), because the parties require additional time to schedule the remaining depositions of Plaintiffs Vincent Vicinanza and Luis Morales.

**I. Legal Standard**

“The [Federal Rules of Civil Procedure] authorize extensions of time within which acts may be done on a showing of good cause where, as here, the extension is sought in advance of the deadline.” *ICBC (London) PLC v. Blacksands Pac. Grp., Inc.*, 2016 WL 7378778, at \*3 (S.D.N.Y. 2016); *see also* Fed.R.Civ.P. 6(b)(1)(A)<sup>2</sup>. “Extensions usually will be granted unless the moving

<sup>1</sup> An initial request was made on August 17, 2022, and subsequently granted on August 17, 2022. [Dckt. Nos. 16, 17]. A second request was made on October 17, 2022, and subsequently granted on October 19, 2022. [Dckt. Nos. 20, 21].

<sup>2</sup> “When an act may or must be done within a specified time, the court may, for good cause, extend the time: with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires....” Fed.R.Civ.P. 6(b)(1)(A).

party has been negligent, lacked diligence, acted in bad faith, or abused the privilege of prior extensions. *Id.* (internal citation and quotations omitted).

## II. Analysis

Good cause exists to extend the deposition / global fact discovery completion deadline of November 17, 2022 pursuant to Fed.R.Civ.P. 6(b)(1)(A), to permit the parties to schedule the remaining deposition of Plaintiffs Vincent Vicinanza and Luis Morales.

On November 4, 2022, the undersigned counsel confirmed Defendant's Fed.R.Civ.P. 30(b)(6) witness' availability for a virtual deposition on November 16, 2022. The undersigned counsel also confirmed individual Defendant's availability to sit for a virtual deposition on November 17, 2022.

That same day, the undersigned asked Plaintiffs' counsel to confirm his clients' availabilities for their depositions on November 11, 2022 and November 14, 2022. Plaintiffs' counsel advised the undersigned that neither Plaintiffs, nor he, could not accommodate those dates due to conflicting obligations.

As Plaintiffs' and Plaintiff's counsel's conflicts prevented the November 11 and November 14, 2022 depositions from proceeding, Plaintiffs' scheduled depositions needed to be rescheduled. Defendants propose a final deposition completion deadline of December 9, 2022 in light of the upcoming Thanksgiving holiday.

The parties have meaningfully participated in this case. A three (3) hour mediation was held on October 27, 2022. The parties have exchanged paper discovery. Defendants' depositions have been scheduled. Thus, the parties respectfully request one last extension to schedule, and complete, Plaintiffs' virtual depositions.

In light of the foregoing, Defendants respectfully request an extension of the deposition / global fact discovery completion deadline from November 17, 2022 to, through and including, December 9, 2022.

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

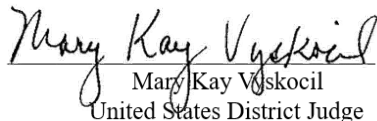
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By: /s/ Jason Mizrahi

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*Attorneys for Defendants*

**GRANTED. The November 29, 2022  
Conference is ADJOURNED to December 13,  
2022 at 11:00 AM. There will be NO  
FURTHER EXTENSIONS. SO ORDERED.**

Date: 11/15/2022  
New York, New York

  
Mary Kay Vyskocil  
United States District Judge

VIA ECF: All Counsel